

House Bill 693

By: Representatives Burns of the 159th, Roberts of the 155th, McCall of the 33rd, Williams of the 168th, and Knight of the 130th

A BILL TO BE ENTITLED
AN ACT

To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to repeal and reenact Chapter 6A, relating to land conservation; to create the Georgia Legacy Trust Fund; to create funding mechanisms for the protection and preservation of conservation land and provide for their operation; to provide for legislative intent; to provide for definitions; to establish procedural requirements for approval of project proposals; to provide for related matters; to provide an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to land conservation, is amended by repealing Chapter 6A, relating to land conservation, and enacting a new Chapter 6A to read as follows:

"CHAPTER 6A

12-6A-1.

This chapter is enacted pursuant to Article III, Section IX, Paragraph VI(o) of the Constitution, which authorizes 75 percent of all moneys received by the state from the sales and use tax applied to the sale of outdoor recreation equipment in the prior year to be dedicated to the Georgia Legacy Trust Fund for the purpose of funding the protection and preservation of conservation land.

12-6A-2.

The intent of this chapter is to provide stewardship for state lands and wildlife management areas, support local parks and trails, and preserve critical conservation land.

12-6A-3.

As used in this chapter, the term:

(1) 'Conservation land' means land and water, or interests therein, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, at least one of the following environmental values or conservation benefits:

(A) Water quality protection for wetlands, rivers, streams, or lakes;

(B) Protection of wildlife habitat;

(C) Provision of cultural sites, heritage corridors, and archeological and historic resources; or

(D) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, or similar outdoor activities.

(2) 'Costs of acquisition' means all direct costs of activities which are required by applicable state laws and local ordinances or policies in order to obtain fee simple or lesser interests in real property or to convey a conservation easement to a holder who will ensure the permanent protection of the property as conservation land; provided, however, that said costs shall not include any costs for services provided in violation of Chapter 40 of Title 43.

(3) 'Nongovernmental entity' means a nonprofit organization primarily concerned with the protection and conservation of land and natural resources, as evidenced by its organizational documents.

(4) 'Permanently protected conservation areas' means those resources:

(A) Owned by the federal government and dedicated for recreation or conservation, or as a natural resource;

(B) Owned by the State of Georgia and dedicated for recreation or conservation, or as a natural resource;

(C) Owned by a state or local unit of government or authority and subject to:

(i) A conservation easement ensuring that the property will be maintained in a manner consistent with conservation land;

(ii) Contractual arrangements ensuring that, if the protected status is discontinued on a parcel, such property will be replaced by other conservation land which at the time of such replacement is of equal or greater monetary and resource protection value; or

(iii) A permanent restrictive covenant as provided in subsection (c) of Code Section 44-5-60;

(D) Owned by any person or entity and subject to a conservation easement ensuring that the property will be maintained in a manner consistent with conservation land; or

(E) Acquired through a loan from the Georgia Legacy Trust Fund, owned by a nongovernmental entity, and subject to a contractual agreement ensuring that the property will be maintained in a manner consistent with conservation land during the period that the loan is outstanding.

(5) 'Project proposal' means any application seeking moneys from the Georgia Legacy Trust Fund.

12-6A-4.

(a) There is established the Georgia Legacy Trust Fund as a separate fund in the state treasury. The state treasurer shall credit to the trust fund 75 percent of all moneys received by the state from the sales and use tax applied to the sale of outdoor recreation equipment in the prior year. Such funds shall not lapse to the general fund.

(b) The State Properties Commission shall administer, grant, and loan the moneys within the Georgia Legacy Trust Fund in furtherance of the purposes of and pursuant to the provisions of this chapter.

12-6A-5.

(a) From within the Georgia Legacy Trust Fund, moneys shall be made available in each fiscal year for grants to any city, county, department, agency, or nongovernmental entity of this state having a project proposal which has been approved by the department. As a condition of eligibility for any such grant, a project proposal shall have as its primary purpose one of the following conservation objectives:

(1) To acquire critical areas for the provision or protection of clean water, game, wildlife, or fisheries, or natural-resource-based outdoor recreation. Funds disbursed for purposes of this paragraph shall be used solely to defray the costs of acquisition of conservation land or of conservation easements placed upon conservation land;

(2) To support local parks and trails. Funds disbursed for purposes of this paragraph shall be grants to local governments to aid in the acquisition and improvement of parks and trails within the jurisdiction and under the control of such local governments; or

(3) To provide stewardship of conservation land. Funds disbursed for purposes of this paragraph shall be used for maintenance or restoration projects of the department to enhance public access, use, or safe enjoyment of permanently protected conservation land.

(b) From within the Georgia Legacy Trust Fund, moneys shall also be made available in each fiscal year for loans to any city, county, or nongovernmental entity to defray the costs of acquisition of conservation land or of conservation easements placed upon property that

93 ensure its permanent protection as conservation land. Any such loan shall bear interest at
94 a rate established by the State Properties Commission.

95 12-6A-6.

96 (a) The State Properties Commission shall review and make determinations concerning the
97 disposition of each project proposal for fiscal efficacy, for the fiscal solvency of the entity
98 identified as responsible for implementing the project, for its value as a strategic
99 investment in land resources with high environmental or conservation benefits, for
100 consistency with the conservation goals set forth in this chapter and the conservation
101 priorities set forth by the Governor, and for the merit of the proposed long-term
102 management of the conservation land or conservation easement. The department shall
103 coordinate with the commission and make final determinations regarding project proposals.
104 (b) If the department approves a project proposal, such approved project shall become
105 eligible for funding consistent with this chapter. The State Properties Commission shall
106 be responsible for the disbursement of funds following project approval.

107 12-6A-7.

108 The department may, by agreement with a city, county, or nongovernmental entity, accept
109 and administer property acquired by such city, county, or nongovernmental entity pursuant
110 to this chapter or may make such other agreements for the ownership and operation of the
111 property as are outlined in Code Sections 12-3-32 and 27-1-6."

112 **SECTION 2.**

113 The Georgia Legacy Trust Fund established by this chapter shall be a successor to the former
114 Georgia Land Conservation Trust Fund and the Georgia Legacy Revolving Loan Fund. On
115 January 1, 2017, all funds in the Georgia Land Conservation Trust Fund and the Georgia
116 Legacy Revolving Loan Fund shall be transferred into the Georgia Legacy Trust Fund.

117 **SECTION 3.**

118 This Act shall become effective on January 1, 2017, only if an amendment to the
119 Constitution authorizing the General Assembly to provide by law for allocation of 75 percent
120 of the revenue derived from the state sales and use tax with respect to the sale of outdoor
121 recreation equipment to a trust fund to be used for the protection and preservation of
122 conservation land, is ratified by the voters at the November, 2016, state-wide general
123 election. If such an amendment is not so ratified, then this Act shall not become effective
124 and shall stand repealed on January 1, 2017.

125

SECTION 4.

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All laws and parts of laws in conflict with this Act are repealed.